

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FILED ELECTRONICALLY

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THE GAP, INC. and GAP (APPAREL) LLC, :
Plaintiffs, : 07 Civ. 9614 (AKH)
-against- : ECF CASE
G.A.P. ADVENTURES INC., :
Defendant. :
-----x
: **DECLARATION OF BRUCE P.**
: **KELLER IN SUPPORT OF**
: **PLAINTIFFS' MOTION IN LIMINE**
: **TO EXCLUDE, OR**
: **ALTERNATIVELY ON WEIGHT**
: **AND ADMISSIBILITY AT TRIAL**
: **OF, DR. YORAM WIND'S EXPERT**
: **TESTIMONY**

DEBEVOISE & PLIMPTON LLP
919 Third Avenue
New York, New York 10022
(212) 909-6000
*Attorneys for Plaintiffs The Gap
Inc. and Gap (Apparel), LLC*

Bruce P. Keller declares:

1. I am a member of the bar of the State of New York, a member of the bar of this Court and a member of Debevoise & Plimpton LLP, counsel to The Gap, Inc. and Gap (Apparel) LLC (“Gap”) in this matter. I submit this declaration on personal knowledge in support of Gap’s motion *in limine* to exclude, or alternatively on weight and admissibility at trial of, the proposed expert testimony of Dr. Yoram Wind.
2. A true and correct copy of “A Report Evaluating the Similarities & Differences between Marketing of the Respective Products and Services of G.A.P. Adventures Inc. [*G.A.P. Adventures*] and the Gap, Inc. and Gap (Apparel) LLC [*The Gap*],” dated April 30, 2009 and submitted by Dr. Wind on behalf of defendant G.A.P. Adventures Inc. (“G.A.P”), with associated exhibits and appendices, is enclosed as Exhibit 1.
3. A true and correct copy of the “Declaration and Expert Rebuttal Report Evaluating the Expert Reports and Studies of Dr. Gerald L. Ford and Hal Poret & Robert Reitter,” dated May 27, 2009 and submitted by Dr. Wind on behalf of G.A.P, with associated exhibits and appendices, is enclosed as Exhibit 2.
4. A true and correct copy of the “Expert Report of Yoram (Jerry) Wind Evaluating Dr. Gerald L. Ford’s Supplemental Declaration and Second Study in the GAP Inc. v. G.A.P. Adventures Inc. Case,” dated August 20, 2010 and submitted by Dr. Wind on behalf of G.A.P, is enclosed as Exhibit 3.

5. A true and correct copy of the Court's Order on Gap's July 14, 2009 Motion *in Limine* to Exclude the Proposed Testimony of Dr. Yoram Wind, dated July 16, 2009, is enclosed as Exhibit 4.
6. A true and correct copy of excerpts from the transcript of the June 26, 2009 Deposition of Dr. Wind is enclosed as Exhibit 5.
7. A true and correct copy of excerpts from the transcript of the October 5, 2010 Deposition of Dr. Wind is enclosed as Exhibit 6.
8. A true and correct copy of the "Declaration of Dr. Eli Seggev," dated September 22, 2010 and submitted by Dr. Eli Seggev on behalf of Gap, with associated exhibits and appendices, is enclosed as Exhibit 7.
9. A true and correct copy of the "Expert Report of Dr. Michael Rappeport," dated November 1, 2010 and submitted by Dr. Michael Rappeport on behalf of G.A.P, is enclosed as Exhibit 8.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at New York, New York this 27th day of April 2011.

/s/ Bruce P. Keller
Bruce P. Keller